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**OFFICE OF PETITIONS**

In re Application of :  
Matthew James Lewis-Aburn, et. al. :  
Application No. 09/843,288 :  
Filed: April 25, 2001 :  
Attorney Docket No. ROCKCO P52AUS :

ON PETITION

This is a decision on the petition under 37 CFR 1.55(a)(2), filed July 1, 2004, for entry of priority papers submitted after the date the issue fee was paid. The delay in responding is regretted.

The petition is **GRANTED**.

Receipt is acknowledged of papers submitted under 35 USC 119.

The priority papers are accepted as timely filed. The papers have been placed of record in the file.

Petitioner is advised that the rule affecting the submission of a claim for priority or a certified priority document under 37 CFR 1.55(a) was changed effective November 7, 2000. In effect, the Office will permit applicants to file a priority claim or certified priority document with the processing fee set forth in 37 CFR 1.17(i) between the date the issue fee is paid and the date a patent is issued. The Office will, however, merely place such submission in the application file but will not attempt to determine whether the applicant has met the conditions of 35 USC 119(a)-(d) to make the priority claim nor include the priority information in the text of the patent. In such a situation, the patent will not contain the priority claim information. The patentee may request a certificate of correction under 35 USC 255 and 37 CFR 1.322 and a determination of entitlement for such priority will be made after the patent is granted. See Federal Register/Vol. 65, No. 175, September 8, 2000, page 54622.

Since this matter is before the Office of Petitions, action on the petition under 37 CFR 1.55(a) has been taken. However, if the printing of the patent has progressed to the point where the priority data cannot be included on the printed patent, petitioner may request a certificate of correction pursuant to the provisions of 37 CFR 1.323.

The application file is being referred to the Office of Publications.

Any questions concerning this decision should be directed to Andrea Smith at (571) 272-3226.  
Any questions concerning the issuance of a Certificate of Correction should be directed to the  
Certificate of Corrections Branch at (703) 305-8305.

*Frances Hicks*  
Frances Hicks  
Petitions Examiner  
Office of Petitions